

## Message Text

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PAGE 01 STATE 087009  
ORIGIN L-03

INFO OCT-01 ARA-10 ISO-00 OES-07 SNM-05 JUSE-00 DEAE-00  
INRE-00 ICAE-00 NSCE-00 CIAE-00 INR-10 IO-13  
NSAE-00 CTME-00 TRSE-00 OMB-01 SSO-00 SS-15  
AGRE-00 HEW-04 EPA-01 /070 R

DRAFTED BY L/OES:P M OLSON:MAR  
APPROVED BY L:LRMARKS  
ARA:R ARELLANO  
OES:P T MINK  
S/NM:M FALCO  
JUSTICE:L SCHIFFER

-----113187 050123Z /62

O 050049Z APR 78  
FM SECSTATE WASHDC  
TO AMEMBASSY MEXICO IMMEDIATE

C O N F I D E N T I A L STATE 087009

E.O. 11652:

TAGS: SNAR, MX, PGOV, SENV

SUBJECT: NORML LAWSUIT

1. FOLLOWING FYI. MARKS AND OLSON HAVE REVIEWED MARCH 30  
MEETINGS IN MEXICO WITH JUSTICE LAWYER.

2. PLAINTIFFS NORML HAVE FILED MOTION FOR PRELIMINARY  
INJUNCTION AGAINST FUNDING OF SPRAYING PROGRAM. RESPONSE  
DUE MONDAY, APRIL 10, BUT USG CAN PROBABLY GET AT LEAST ONE  
WEEK'S EXTENSION. USG PARTICULARLY ANXIOUS TO DEFEAT PRE-  
LIMINARY INJUNCTION AS THAT WILL BUY MONTHS OF TIME AND  
WILL AVOID FORCING HASTY DECISION ON WHETHER NATIONAL ENVI-  
RONMENTAL POLICY ACT (NEPA) APPLIES TO ENVIRONMENTAL  
IMPACTS IN FOREIGN JURISDICTIONS. DEPT IS CONVINCED THAT  
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BEST WAY TO DEFEAT PRELIMINARY INJUNCTION IS TO VOLUNTEER  
TO SUBMIT SOME ENVIRONMENTAL STUDIES AND TO DEMONSTRATE  
THAT CURTAILMENT OF USG ASSISTANCE BY COURT INJUNCTION WILL  
NOT HAVE THE EFFECT OF STOPPING OR REDUCING THE SPRAYING OF  
MARIJUANA BY THE MEXICANS.

3. DEPARTMENT PREPARED TO TELL COURT IT WILL PREPARE (1)

FULL ENVIRONMENTAL IMPACT STATEMENT (EIS) ON IMPACTS INSIDE UNITED STATES (PROBABLY ONLY HEALTH IN FACT). DOMESTIC EIS

WILL PRESUMABLY CONSIDER ALTERNATIVE METHODS OF ERADICATION OF MARIJUANA (INCLUDING OTHER HERBICIDES, MANUAL ERADICATION). (2) AN UNSPECIFIED SUBMISSION DEALING WITH ENVIRONMENTAL IMPACTS IN MEXICO, USING MEXICAN DATA AS STARTING POINT. DEPARTMENT NEEDS TO RECEIVE WHATEVER DATA IS NOW AVAILABLE SOONEST. DEPARTMENT MAY LATER REQUEST ADDITIONAL DATA FROM MEXICO. DEPARTMENT STRESSES THAT DATA WOULD BE USED AS RAW MATERIAL FOR DEPARTMENT STUDY, NOT REPEAT NOT AS A MEXICAN STUDY.

4. AT MARCH 30 MEETING, BAEZA AND OTHERS INDICATED MARIJUANA SPRAYING WILL CONTINUE WITH OR WITHOUT UNITED STATES ASSISTANCE AND THAT, AS MEXICO CONSIDERS PARAQUAT BEST HERBICIDE, PARAQUAT WILL CONTINUE TO BE USED. MEXICO WILL CONTINUE TO CONDUCT RESEARCH INTO HERBICIDES APPROPRIATE FOR USE IN SPRAYING, AND WILL CONSULT WITH USG AS PART OF THIS PROCESS. L AND JUSTICE CONSIDER IT VITAL THAT THE STATEMENT OF A RESPONSIBLE MEXICAN OFFICIAL TO THIS EFFECT BE PLACED BEFORE COURT IN PROPER EVIDENTIARY FORM AT PRELIMINARY INJUNCTION HEARING. END FYI.

5. AFFIDAVIT SATISFACTORY FOR THIS PURPOSE FOLLOWS:

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QUOTE I AM LIC. FERNANDO BAEZA M. (OR OTHER APPROPRIATE OFFICIAL, POSSIBLY THE ATTORNEY GENERAL), OFFICIAL MAYOR OF THE MINISTRY OF JUSTICE. I AM FAMILIAR WITH THE PROGRAM OF AERIAL SPRAYING OF NARCOTICS PLANTS IN MEXICO, AND WITH MEXICAN POLICY AND DECISIONS REGARDING THAT PROGRAM. THE PROGRAM OF AERIAL SPRAYING OF NARCOTICS PLANTS IS A MEXICAN PROGRAM, AND IS CONDUCTED IN CONFORMITY WITH THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961, TO WHICH MEXICO AND THE UNITED STATES ARE BOTH PARTIES. THE PROGRAM CURRENTLY INCLUDES SPRAYING OF MARIJUANA, WHOSE USE IS A DOMESTIC HEALTH PROBLEM IN MEXICO, AND OF OPIUM POPPIES. THE GOVERNMENT OF MEXICO WELCOMES UNITED STATES ASSISTANCE TO MEXICO'S GENERAL NARCOTICS ERADICATION PROGRAM, AND UNDERSTANDS THE US INTEREST IN ERADICATING POPPY FIELDS. HOWEVER, WHETHER OR NOT THE UNITED STATES PROVIDES ASSISTANCE TO THE GENERAL NARCOTICS ERADICATION PROGRAM, THE GOM WILL CONTINUE A PROGRAM OF AERIAL SPRAYING OF MARIJUANA FIELDS WITH THE HERBICIDE PARAQUAT (GRAMOXONE) OR WITH A SUPERIOR HERBICIDE IF, IN THE JUDGMENT OF GOM, ONE BECOMES AVAILABLE. SIGNED. UNQUOTE.

6. DEPARTMENT REQUESTS EMBASSY COMMENTS SOONEST AND, IF

NO OBJECTIONS, WOULD APPRECIATE IF EMBASSY WOULD SOUND OUT MEXICAN GOVERNMENT WILLINGNESS TO SIGN ABOVE AFFIDAVIT OR ACCEPTABLE VARIATION.

7. ASSUMING TEXT IS SATISFACTORY TO EMBASSY AND MEXICO, L (OLSON) WILL DISCUSS FORMAT OF AND NOTARIZING PROCEDURE FOR AFFIDAVIT BY PHONE. BRIEFLY, AFFIDAVIT MAY BE SWORN TO BEFORE MEXICAN NOTARY QUALIFIED IN DISTRICT CONTAINING UNITED STATES CONSULATE; CONSULAR OFFICER MAY THEN NOTARIZE ON BASIS OF MEXICAN NOTARY'S STATEMENT AND NOTARIZATION.

8. ACTION REQUESTED: EMBASSY COMMENTS REQUESTED SOONEST IN ORDER TO COMPLETE AFFIDAVIT BEFORE INJUNCTION HEARING. EMBASSY ALSO REQUESTED TO FORWARD MEXICAN ENVIRONMENTAL CONFIDENTIAL

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STUDIES AND OTHER RELEVANT DATA SOONEST. VANCE

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ORIGIN IO-14

INFO OCT-01 ISO-00 /015 R

66011

DRAFTED BY:IO/HDC:EDDIE EDWARDS

APPROVED BY:IO/HDC:ROBERT ANDREW

-----011494 060954Z /10

R 060500Z APR 78

FM SECSTATE WASHDC

INFO USMISSION GENEVA 0254

C O N F I D E N T I A L STATE 087009

FOLLOWING REPEAT STATE 087009 SENT ACTION MEXICO APR 05.

QUOTE C O N F I D E N T I A L STATE 087009

E.O. 11652:

TAGS: SNAR, MX, PGOV, SENV

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2. PLAINTIFFS NORML HAVE FILED MOTION FOR PRELIMINARY INJUNCTION AGAINST FUNDING OF SPRAYING PROGRAM. RESPONSE DUE MONDAY, APRIL 10, BUT USG CAN PROBABLY GET AT LEAST ONE WEEK'S EXTENSION. USG PARTICULARLY ANXIOUS TO DEFEAT PRELIMINARY INJUNCTION AS THAT WILL BUY MONTHS OF TIME AND WILL AVOID FORCING HASTY DECISION ON WHETHER NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) APPLIES TO ENVIRONMENTAL IMPACTS IN FOREIGN JURISDICTIONS. DEPT IS CONVINCED THAT BEST WAY TO DEFEAT PRELIMINARY INJUNCTION IS TO VOLUNTEER TO SUBMIT SOME ENVIRONMENTAL STUDIES AND TO DEMONSTRATE THAT CURTAILMENT OF USG ASSISTANCE BY COURT INJUNCTION WILL

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NOT HAVE THE EFFECT OF STOPPING OR REDUCING THE SPRAYING OF MARIJUANA BY THE MEXICANS.

3. DEPARTMENT PREPARED TO TELL COURT IT WILL PREPARE (1) FULL ENVIRONMENTAL IMPACT STATEMENT (EIS) ON IMPACTS INSIDE UNITED STATES (PROBABLY ONLY HEALTH IN FACT). DOMESTIC EIS

WILL PRESUMABLY CONSIDER ALTERNATIVE METHODS OF ERADICATION OF MARIJUANA (INCLUDING OTHER HERBICIDES, MANUAL ERADICATION). (2) AN UNSPECIFIED SUBMISSION DEALING WITH ENVIRONMENTAL IMPACTS IN MEXICO, USING MEXICAN DATA AS STARTING POINT. DEPARTMENT NEEDS TO RECEIVE WHATEVER DATA IS NOW AVAILABLE SOONEST. DEPARTMENT MAY LATER REQUEST ADDITIONAL DATA FROM MEXICO. DEPARTMENT STRESSES THAT DATA WOULD BE USED AS RAW MATERIAL FOR DEPARTMENT STUDY, NOT REPEAT NOT AS A MEXICAN STUDY.

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POPPIES. THE GOVERNMENT OF MEXICO WELCOMES UNITED STATES  
ASSISTANCE TO MEXICO'S GENERAL NARCOTICS ERADICATION  
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PROGRAM, THE GOM WILL CONTINUE A PROGRAM OF AERIAL SPRAY-  
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EMBASSY ALSO REQUESTED TO FORWARD MEXICAN ENVIRONMENTAL  
STUDIES AND OTHER RELEVANT DATA SOONEST. VANCE UNQUOTE VANCE

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Draft Date:** 05 apr 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
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**Drafter:** P M OLSON:MAR  
**Enclosure:** n/a  
**Executive Order:** GS  
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**Review Event:**  
**Review Exemptions:** n/a  
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**Review Transfer Date:**  
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**SAS ID:** 3064584  
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**Subject:** NORML LAWSUIT  
**TAGS:** SNAR, PGOV, SENV, MX, US  
**To:** MEXICO  
**Type:** TE  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014